



## COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, DECEMBER 3, 2003**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL AND REGULAR MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**6:00 P.M.**

***A Special Meeting of the City Council and Redevelopment Agency is Called at 6:00 P.M. for the Purpose of Conducting Closed Sessions.***

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**6:00 P.M.**

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

**1.**

#### **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

**2.**

#### **EXISTING LITIGATION**

Legal Authority: Government Code section 54956.9(a)  
Court: California Court of Appeal, First Appellate District  
Case Name: Santa Teresa Citizen Action Group, City of Morgan Hill, et al. v.  
Hearing Board of the Bay Area Quality Management District, et al.  
Case Number: A102518

**3.**

#### **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Legal Authority: Government Code 54957  
Public Employee Performance Evaluation: City Attorney  
Attendees: City Council, City Attorney

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **CITY COUNCIL REPORT**

Council Member Carr

### **CITY COUNCIL SUB-COMMITTEE REPORTS**

### **CITY MANAGER'S REPORT**

### **CITY ATTORNEY'S REPORT**

### **OTHER REPORTS**

**PUBLIC COMMENT**

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.**

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

### **CONSENT CALENDAR:**

**ITEMS 1-9**                      The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

1.     **RESOLUTION DECLARING INTENT OF CITY COUNCIL TO REIMBURSE ITSELF FOR CERTAIN WATER CAPITAL PROJECT COSTS WITH REVENUE BONDS**..... 1  
**Recommended Action(s): Adopt** Resolution Declaring Official Intent on Behalf of the City Pursuant to Section 1.150-2 of the Treasury Regulations.
  
2.     **LAFCO FIRE PROTECTION SERVICE REVIEW**..... 7  
**Recommended Action(s): Direct** Staff to Submit Written Comments on the Report Agreeing with the Report's Suggestions for Regional Solutions and to Participate in the Public Meetings.
  
3.     **EMERGENCY EXPENDITURE FOR JACKSON BOOSTER WATERLINE REPLACEMENT PROJECT** ..... 37  
**Recommended Action(s):**  
  1.     **Adopt** Resolution Declaring the Need for this Emergency Expenditure; and
  2.     **Approve** Transfer of \$55,000 from CIP Project #615095 to #610093; and
  3.     **Approve** Expenditure of \$55,000 for Emergency Construction to Abandon and Replace 575 feet of 8-inch Waterline above Jackson Booster Station.
  
4.     **EMERGENCY AUTHORIZATION FOR GUARD RAIL REPLACEMENT AT WATSONVILLE BOX CULVERT NEAR MONTEREY ROAD**..... 41  
**Recommended Action(s):**  
  1.     **Adopt** Resolution Declaring the Need for an Emergency Expenditure at Watsonville Box Culvert Near Monterey Road; and
  2.     **Appropriate** \$27,000 From the 2003-2004 Regional Drainage Non-AB1600 (304) Fund for the Emergency Guard Rail Replacement at the Watsonville Box Culvert Near Monterey Road.

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
5.	<b><u>DECLARE EQUIPMENT AS SURPLUS</u></b> ..... <b>Recommended Action(s):</b> <u>Declare</u> Equipment as Surplus and <u>Authorize</u> the Sale at Auction.	47
6.	<b><u>DECLINE OFFER FROM KENDAL HILL OWNERS' ASSOCIATION</u></b> ..... <b>Recommended Action(s):</b> <u>Direct</u> Staff to Prepare a Letter Declining the Offer by the Kendal Hill Owners' Association to Accept a Parcel of Land.	49
7.	<b><u>2003-2004 HAZARDOUS VEGETATION PROGRAM</u></b> ..... <b>Recommended Action(s):</b> <u>Adopt</u> Resolution Declaring Weeds and Brush to be a Nuisance and <u>Setting</u> January 14, 2004 as the Date for the Public Hearing Regarding Weed Abatement, and June 2, 2004 as the Date for the Public Hearing Regarding Brush Abatement.	57
8.	<b><u>APPROVE SPECIAL CITY COUNCIL AND SPECIAL BOARDS, COMMISSIONS, AND COMMITTEES MEETING MINUTES OF NOVEMBER 11, 2003</u></b> .....	61
9.	<b><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF NOVEMBER 19, 2003</u></b> .....	67

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 10**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
10.	<b><u>APPROVE JOINT SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF NOVEMBER 12, 2003</u></b> .....	69

## ***Redevelopment Agency Action***

### **CONSENT CALENDAR:**

#### **ITEM 11**

	<b>Time Estimate</b>	<b>Page</b>
	<b>Consent Calendar: 1 - 10 Minutes</b>	
11.	<b><u>REALLOCATION OF LOAN FUNDS FROM MURPHY RANCH I TO MURPHY RANCH II</u></b> ..... <b>Recommended Action(s):</b> 1. <u>Approve</u> a Loan Increase of up to \$1,570,000 for Murphy Ranch II, but Only to the Extent That Sum is Repaid From the Existing Agency Loan on Murphy Ranch, Phase I; and 2. <u>Authorize</u> the Executive Director to Modify and Execute Loan Documents as Required, Provided the Approved Loan Amount is not Exceeded.	85

## City Council Action

### OLD BUSINESS:

	Time Estimate		Page
12.	5 Minutes	<b><u>APPEAL APPLICATION, AP-03-05: JARVIS-MORGAN HILL DEVELOPMENT PARTNERS</u></b> (Continued from 11/19/03) ..... <b><u>Recommended Action(s): Adopt</u></b> Resolution Approving Appeal.	107
13.	5 Minutes	<b><u>APPEAL APPLICATION, AP-03-06: JARVIS-ANRITSU</u></b> (Continued from 11/19/03) ..... <b><u>Recommended Action(s): Adopt</u></b> Resolution Taking No Action on the Appeal Application.	113
14.	10 Minutes	<b><u>REIMBURSEMENT OF THE APPEAL APPLICATION FEE FOR THE SANTA CLARA VALLEY AUDUBON SOCIETY AND COMMITTEE FOR GREEN FOOTHILLS</u></b> (Continued from 11/19/03) ..... <b><u>Recommended Action(s):</u></b> 1. <b><u>Consider</u></b> Request to Reimburse the Fee; and 2. <b><u>Provide</u></b> Direction to Staff.	117

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
15.	30 Minutes	<b><u>ZONING AMENDMENT, ZA-02-16; DEVELOPMEHT AGREEMENT AMENDMENT, DAA-02-09: DEWITT-MARQUEZ</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Approve</u></b> Negative Declaration Action- <b><u>Motion to Waive</u></b> the Reading in Full of Zoning Amendment (Prezone) Ordinance. Action- <b><u>Motion to Introduce</u></b> Zoning Amendment Ordinance by Title Only. (Roll Call Vote) Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Amendment Ordinance. Action- <b><u>Motion to Introduce</u></b> Development Agreement Amendment Ordinance by Title Only. (Roll Call Vote)	143
16.	5 Minutes	<b><u>DEVELOPMENT AGREEMENT DA-03-05: DEWITT-MARRAD GROUP</u></b> ..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Motion to Waive</u></b> the Reading in Full of Development Agreement Ordinance. Action- <b><u>Motion to Introduce</u></b> Development Agreement Ordinance by Title Only. (Roll Call Vote)	193

**PUBLIC HEARINGS:**

	<b>Time Estimate</b>		<b>Page</b>
17.	5 Minutes	<b><u>SUBDIVISION, SD-02-11: DEWITT-MARQUEZ</u></b> .....	219
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution Approving the Five Lot Subdivision Map.	
18.	5 Minutes	<b><u>SUBDIVISION, SD-03-05: DEWITT-MARRAD GROUP</u></b> .....	267
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <b><u>Adopt</u></b> Resolution Approving the Four Lot Subdivision Map.	

***City Council Action***

**OTHER BUSINESS:**

	<b>Time Estimate</b>		<b>Page</b>
19.	5 Minutes	<b><u>AMENDMENT OF RESOLUTION NO. 5738 REGARDING WRITTEN ARGUMENTS REGARDING BALLOT MEASURE EXTENDING AND UPDATING RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS)</u></b> .....	303
		<b><u>Recommended Action(s):</u></b> <b><u>Adopt</u></b> Resolution Amending Resolution No. 5738 to Appoint Council Members to Draft Arguments Regarding Ballot Measure Extending and Updating the City's Residential Development Control System (RDCS).	
20.	30 Minutes	<b><u>DESIGN OF SANTA CLARA COUNTY'S COURTHOUSE PROJECT</u></b> .....	309
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Provide</u></b> Comments to County Staff on the Current Design for the County of Santa Clara's Morgan Hill Courthouse Project; and 2. <b><u>Authorize</u></b> the City Manager to Do Everything Necessary and Appropriate to Commit to Funding the Additional Cost of Installing a Concrete Driveway Between the Courthouse Complex and Future City Fire Station.	
21.	10 Minutes	<b><u>INTERIM USES SUBCOMMITTEE STATUS REPORT</u></b> .....	323
		<b><u>Recommended Action(s):</u></b> <b><u>Discuss</u></b> and <b><u>Provide</u></b> Direction.	
22.	15 Minutes	<b><u>CITY-WIDE SURVEY</u></b> .....	325
		<b><u>Recommended Action(s):</u></b> 1. <b><u>Review</u></b> Report and <b><u>Provide</u></b> Direction to Staff on Whether to Pursue a City-Wide Survey; and 2. If a Survey is Desired, <b><u>Provide</u></b> Funding.	

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

**ADJOURNMENT**